

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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SAM HOPE,

Plaintiff,

v.

DANE COUNTY,  
SAUK COUNTY,  
Deb Westerwelle, in her individual  
capacity, and One or More John  
Does or Jane Does, in their  
Individual Capacities,

Defendants.  
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ORDER

08-cv-140-bbc

This case was removed to federal court on March 11, 2008, by defendants Sauk County, Deb Westerwelle and Jane and John Does. On March 24, 2008, plaintiff Sam Hope moved to remand the case to the Circuit Court for Dane County, on the ground that all of the defendants had not joined in the notice of removal.

On April 9, 2008, counsel for defendants filed an affidavit “in support of removal.” Although titled in support of *removal*, paragraph 5 of the affidavit of plaintiff’s counsel reads “all defendants to the above action have consented to *remand* of this matter.” (Emphasis

added.)

The cover letter reads as follows: “Enclosed for filing is the 4/9/08 Affidavit of Michele M. Ford in Support of Removal relative to the above-captioned matter. This should render the Plaintiff’s Motion to Remand moot.”

All of this is somewhat confusing. I infer that defendants are advising the court that they do not object to a remand of this matter to the Circuit Court for Dane County. However, because I am not entirely sure that my reading of the documents is correct, I will stay an order of remand until April 15, 2008. If by that time defendants’ counsel does not advise the court that defendants are no longer opposing remand, I will issue the order. If I am wrong and defendants oppose remand, they should advise the court why they believe defendant Dane County’s recent agreement to join in the petition for *removal* is timely.

Entered this 10th day of April, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge